

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**September 26, 2007**

**I.  
ROLL CALL**

Present: Sandhu and Tabladillo  
Absent: Azevedo  
Staff: Bejines, Hom, Kunsman and Reliford

**1. "S" ZONE  
APPROVAL  
AMENDMENT NO.  
SA2007-47**

Cindy Hom, Project Planner, presented a request to modify an existing monument sign that entails installation of a new aluminum 3' x 12' sign cabinet over a solid aluminum metal base. The proposed sign will be double-faced, non-illuminated, consisting of raised letters and logo located at 1656 McCarthy Blvd. Ms. Hom recommended approval with conditions.

**Motion** to approve "S" Zone Approval Amendment No. SA2007-47.

M/S: Sandhu/Tabladillo

AYES: 2

NOES: 0

**2. "S" ZONE  
AMENDMENT NO.  
SA2007-55**

Tiffany Kunsman, Project Planner, presented a request to place a decorative water fountain in Park Town Plaza located at 1350 S. Park Victoria. Ms. Kunsman recommended approval with conditions.

**Motion** to approve "S" Zone Amendment No. SA2007-55.

M/S: Sandhu/Tabladillo

AYES: 2

NOES: 0

**3. ADMINISTRATIVE  
PERMIT NO. AD2007-18**

Tiffany Kunsman, Project Planner, presented a request to have a one-day outdoor "Walk n' Wag" (Humans and Dogs walking around a couple of blocks to help raise money to save animals lives) fundraising event on October 6, 2007 for the Humane Society located at 901 Ames Street. Ms. Kunsman recommended approval with conditions.

**Motion** to approve Administrative Permit No. AD2007-18.

M/S: Tabladillo/Sandhu

AYES: 2

NOES: 0

**II. ADJOURNMENT**

The meeting was adjourned at 6:45p.m.

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**September 26, 2007**

**I.  
PLEDGE OF  
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Ali-Santosa, Ciardella, Sandhu, Tabladillo and Williams  
Absent: Azevedo and Mandal  
Staff: Bejines, Bradley, Ishijima, Kaderi, Pio Roda, Reliford, Wang and Whitecar

**III.  
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
September 12, 2007**

Chair Williams called for approval of the minutes of the Planning Commission meeting of September 12, 2007.

There were no changes by staff.

**Motion** to approve the minutes of September 12, 2007 as submitted.

M/S: Sandhu/Ali-Santosa

AYES: 4

NOES: 0

ABSTENTION: 1 (Tabladillo)

**V.  
ANNOUNCEMENTS**

Felix Reliford, Interim Planning Director, announced that there are two memos included in the Commissioner's packet regarding the Parking Task Force Technical memorandum and the City's policy regarding direct deposit.

**VI.  
CONFLICT  
OF INTEREST**

Assistant City Attorney Richard Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

Staff had no changes to the agenda.

**Motion** to approve the agenda as submitted.

M/S: Sandhu/Ai-Santosa

AYES: 5

NOES: 0

APPROVED  
September 26, 2007

**VIII.  
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no items added to the consent calendar.

**IX.  
PUBLIC HEARING**

**1.       USE     PERMIT  
AMENDMENT     NO.  
UA2007-11**

Momo Ishijima, Project Planner, presented a request to consider a Conditional Use Permit amendment to allow onsite alcoholic beverage service and consumption at the India Community Center located at 525 Los Coches Street. Mrs. Ishijima recommended approval with conditions.

Commissioner Ciardella noted that one of the conditions states that if there are more than 200 people the police need to be notified. He asked if the police has a problem with this? Mrs. Ishijima said the project was forwarded to the Police for their comments and the Police recommended that if the event was more than 200 people, they be notified and also that the applicant obtain a license from the Alcohol Beverages Control Board (ABC).

Commissioner Ciardella asked how does the ABC process work? Mrs. Ishijima said the ABC issues a permit that allows onsite consumption of alcohol whenever necessary. The India community center is proposing that these types of services only be offered for scheduled events such as banquets and dinners.

Chair invited the applicant to speak.

**Vishnu Sharma, Associate Executive Director of the India Community Center,** presented a PowerPoint presentation to the Commission.

Chair Williams asked how would their staff control the sale of alcohol to minors? **Vijay Bhatia, Banquet Director,** said their staff is fully trained to card people and will card everyone and there are restrictions that whoever is booking an event must be a community member. He said they would be very strict when it comes to alcohol.

Chair Williams suggested that maybe adults over 21 could wear yellow bands that could identify them of drinking age.

Mr. Bhatia said that might be a good idea for a New Year's event or similar type of event however he doesn't think adults would enjoy wearing a band for a wedding or family party.

Mr. Sharma said that most of the events will be booked by adults and any youths who attend will be escorted by their parents and he doubts that any youths will be able to approach the bar counter.

Commissioner Sandhu asked about the medical clinic that the community center is proposing. Chair Williams said that question should not be included in the discussion because the topic is regarding a liquor license.

Commissioner Sandhu asked if they would serve alcohol in the restaurant? Mr. Bhatia said alcohol would not be served in the café.

Commissioner Sandhu asked if the receptions will be catered from outside and Mr. Bhatia said yes but only food, not alcohol.

Commissioner Tabladillo asked who would serve the alcohol. Mr. Bhatia said the India Community Center takes full responsibility and will not provide a bartender from the outside.

Commissioner Tabladillo asked how much training would the bartenders have? Mr. Bhatia said they would be trained every two years.

Chair Williams opened the public hearing.

There were no speakers from the audience.

**Motion** to close the public hearing.

M/S: Sandhu/Ciardella

AYES: 5

NOES: 0

**Motion** to approved Use Permit Amendment No. UA2007-11 based on the findings and special conditions in the staff report.

M/S: Sandhu/Ali-Santosa

AYES: 5

NOES: 0

**2. MURPHY  
RANCH/FAIRFIELD  
RESIDENTIAL  
PROJECT – GENERAL  
PLAN AMENDMENT  
NO. GP2005-11 & ZONE  
CHANGE NO. ZC2005-2,  
“S” ZONE NO. SZ2005-  
13, PLANNED UNIT  
DEVELOPMENT  
PERMIT NO. PD2007-4.,  
MAJOR TENTATIVE  
MAP NO. MA2005-7 AND  
ENVIRONMENTAL  
IMPACT ASSESSMENT  
NO. EA2005-9**

Geoff Bradley, Project Planner, and Diana Whitecar, Economic Development Manager, presented a request for a General Plan Amendment, Rezoning, Site and Architectural Review (“S” Zone), Planned Unit Development, Major Tentative Map, and Environmental Impact Assessment to allow for the construction of 659 new residential units including a public park and trail connection on 21.73 acres located west of Murphy Ranch Road, south of Technology Drive, north of the Hetch Hetchy pipeline and east of Coyote Creek. The project has two sections, Murphy Ranch South, consisting of 285 townhouses on 14.15 acres and Murphy Ranch North, 374 rental apartments on 7.58 acres. The property is proposed to have the General Plan designation changed from Industrial Park to Multi-Family High Density Residential with a rezone from MP – Industrial Park to R4 - Multi Family High Density Residential, a Planned Unit Development Permit and request for approval of a Vesting Tentative Subdivision Map. An Environmental Impact Report has been prepared for the proposed project. Mr. Bradley recommended certification of the EIR and denial to the City Council.

Mr. Bradley also noted that attachments were distributed to the Commission tonight. The attachments include a letter from Dick Peery opposing the project, a letter from Greenbelt Alliance supporting the project, draft September 10<sup>th</sup> PRCRC minutes and the following new special conditions:

- **Revision to Engineering Condition #11**, *“Prior to any building permit issuance, the developer shall pay a Milpitas Business Park traffic fee of \$397,600”, to read as follows: “Prior to any building permit issuance, the developer shall pay a Milpitas Business Park traffic fee of \$447,600 based on the 1997 study, and to be adjusted by ENR at the time of payment.” (Public Works)*
- **Revision to Engineering Condition #18**, *“In accordance with California Government code 66462.5, the developer shall obtain and record a reciprocal maintenance agreement with the adjacent property owners on the North for the proposed ingress/egress, Emergency Vehicle Access (EVA), parking and public trail access. The reciprocal agreement shall provide for the use of lands and maintenance of all private facilities including but not limited to access, EVA, drainage, lighting, landscaping, and other common area facilities. Applicant shall pay costs of acquisition of off-site real property interests in accordance with California Government Code 66462.5.” (Public Works)*
- **New Condition:** *Provide plans and specifications for a Community Warning System for the review and approval of the Fire Marshall prior to issuance of any Building Permit for the project. The Community Warning System shall be installed, operational and accepted by the Fire Marshall prior to the occupancy of any residential units in the project. (Fire)*
- **New Condition:** *The final map shall reflect the dedication of 1.1 acres of public parkland to the City of Milpitas. The public park improvements, including those on the Hetch-Hetchy parcel, shall be accepted by the City prior to building permit finals or occupancy of any units within either the last 50% of the town-home units built or final occupancy of the apartment building which ever occurs first. (Planning)*

Chair Williams asked if the Veritas campus would be reinstated? Diana Whitecar, Economic Development Manager, said there has been discussion but Veritas has not submitted an application.

Chair Williams said he is concerned about traffic in that area and how residents will be getting to businesses through Calaveras Boulevard and asked what type of traffic studies were done to address peak commute times.

**Brett Walinski, Hexagon Transportation Consultant, San Jose**, said the methods that are used for Traffic Impact Analysis by the congestion management program have been adopted by the City of Milpitas. The analysis of peak periods is done for a.m. and p.m. commute hours because those are the worst hours of the day. Within those hours of the day, they did look at the directional flow of traffic. He said the projections to and from retail areas, and to and from the job centers are all reflected in the Traffic Impact Analysis.

Chair Williams asked Mr. Walinski what he thought the impact was on residents going to businesses on Calaveras and coming back to their home. Mr. Walinski said there is some distance between the residential areas and commercial areas, more so than what it is typical in Milpitas given the character of the City, however the residents would be really close to jobs because it would be located within an industrial area.

Chair Williams introduced the applicant.

**Shon Finch, Fairfield Residential, 2410 Camino Ramon, San Ramon,** presented a PowerPoint presentation to the Commission requesting that they approve their project. He also pointed out that they would like to work with staff on Condition No. 11, traffic impact fee.

Chair Williams said the City has a high water table and asked when were the core drillings done in regards to the soil analysis. Mr. Finch recalled that the core drillings were done in the springtime and the water table was not an issue because there were no underground structures being proposed and everything is above grade.

Chair Williams asked if any studies were done in regards to the creek located right behind the project site. Mr. Finch said they did not study the ability of the levy but rather the soil itself, where the water table was and whether it could hold the structures. They found that the soil was stable enough and the project is outside the 100-year flood plane.

Chair Williams pointed out that the nearest grocery store is ½ mile outside the radius of the project site and Mr. Finch clarified that the project is actually .6 miles away, which is fairly close.

Chair Williams opened the public hearing

**John Cimino, Director of Maintenance Operation/Transportation for Milpitas Unified School District,** representing Dr. Karl Black, Superintendent, said the district has met with Fairfield, regarding the project's remote location to educational facilities and the impact that would have on transportation and student housing. They also talked about the Midtown Plan and Transit Area Plan and the impact that it is going to have on middle schools and high schools.

Chair Williams asked what would be the nearest elementary school and Mr. Cimino said Zanker school.

Chair Williams asked what would be the nearest middle school and Mr. Cimino said Rancho.

**Motion** to close the public hearing.

M/S: Sandhu/Tabladillo

AYES: 5

NOES: 0

Chair Williams felt that the project is beautiful however he wants that area to be maintained as an industrial area and is supportive of staff's recommendation.

Commissioner Ciardella said it is a wonderful project because it is close to the Transit Area Plan, however he felt it is just so far out of the area and doesn't conform to the General Plan. He is also supportive of staff's recommendation.

Commissioner Tabladillo said she agrees with her fellow Commissioners and felt that it is a beautiful project, but she has challenges considering the location and does not want to set precedence. She said there is raw land in Milpitas and wants the City to have the ability to try and attract new businesses. She does understand there are housing issues, but she felt that this location is so far out and remote from families and schools. She is in agreement with staff's recommendation.

Commissioner Sandhu said this is a beautiful project and felt it is similar to the Riverwalk project on Montague Expressway located near an industrial area. He thinks it is a very good project and because the City is in short need of housing in that area, he supports the project.

Commissioner Ali-Santosa said the project is within reasonable walking distance of the Ranch 99 Supermarket and if the development does occur, employees of the high-tech companies that are nearby are given the choice to walk home or ride a bike to work. He said he is in support of the project.

**Motion** to certify the Environmental Impact Report and recommend denial to Council.

M/S: Williams/Ciardella

AYES: 3 (Ciardella, Tabladillo and Williams)

NOES: 2 (Ali-Santosa and Sandhu)

## **X. ADJOURNMENT**

The meeting was adjourned at 8:27 p.m. to the next regular meeting of October 10, 2007.

Respectfully Submitted,

Felix Reliford  
Principal Planner

Veronica Bejines  
Recording Secretary